

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 VO-05 CA-01 HA-05 INSE-00 CIAE-00
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FM AMEMBASSY BUCHAREST
TO SECSTATE WASHDC PRIORITY 7517
INFO AMEMBASSY ROME
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 1 OF 2 BUCHAREST 0417

E.O. 11652: GDS
TAGS: CGEN, CVIS, SHUM, US, RO
SUBJ: U.S. EMIGRATION POLICY IN ROMANIA

1. SUMMARY: PRESENT U.S. IMMIGRATION PRACTICES HERE CONTAIN BASIC CONTRADICTION BETWEEN U.S. HUMANITARIAN DESIRE TO ASSIST ROMANIANS SEEKING TO EMIGRATE FROM ROMANIA AND RESTRICTIVE LETTER AND SPIRIT OF IMMIGRATION AND NATIONALITY ACT (INA). AS A RESULT, WE HAVE IN THE PAST DEVISED SEVERAL ALTERNATIVE WAYS FOR ROMANIANS NOT QUALIFIED TO RECEIVE IMMIGRANT VISAS TO LEAVE ROMANIA AND EVENTUALLY GAIN ENTRY TO THE U.S. MAJORITY OF ROMANIANS ARRIVING IN U.S. NOW COME THROUGH THESE CHANNELS. IT NOW APPEARS THAT GOR IS SHUTTING DOWN ONE OF THESE CHANNELS, RAISING BOTH AN IMMEDIATE PROBLEM AND MORE BASIC POLICY CONSIDERATIONS. WE SUGGEST SOME POSSIBLE POLICY OPTIONS AND REQUEST INSTRUCTIONS. END SUMMARY.

BACKGROUND

2. GOR HAS MADE ABUNDANTLY CLEAR THAT IT DOES NOT FAVOR EMIGRATION OF ITS CITIZENS, AND CONSEQUENTLY IT IS EXTREMELY DIFFICULT FOR A ROMANIAN CITIZEN TO OBTAIN AN EMIGRATION PASSPORT. (SAME APPLIES TO ONLY A SLIGHTLY LESSER EXTENT
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FOR OBTAINING A TEMPORARY VISITOR PASSPORT.) BY THE TIME A ROMANIAN DOES RECEIVE AN EMIGRATION PASSPORT, HIS TIES IN ROMANIA SUCH AS JOB, HOUSING AND PROPERTY HAVE BEEN COMPLETELY SEVERED. WHEN ISSUED, ROMANIAN EMIGRATION PASSPORT ALWAYS CONTAINS EXIT VISA SPECIFYING COUNTRY TO WHICH APPLICANT IS AUTHORIZED TO EMIGRATE, WHICH MAY OR MAY NOT BE A COUNTRY TO WHICH APPLICANT WISHES TO GO

OR IS QUALIFIED TO RECEIVE IMMIGRANT VISA. NEVERTHELESS, TO DEPART ROMANIA, APPLICATN MUST RPT MUST HAVE A VISA FROM THE COUNTRY STATED IN PASSPORT, IRRESPECTIVE OF PERSON'S TRUE FINAL DESTINATION. UP TO NOW MANY ROMANIANS HAVE APPLIED FOR PASSPORTS FOR THE U.S., EVEN AFTER BEING TOLD THEY ARE NOT QUALIFIED TO RECEIVE U.S. VISAS, BECAUSE THEY BELIEVE IT EASIER TO RECEIVE PASSPORTS FOR THE U.S. THAN FOR OTHER STATES. IN THIS RESPECT, EMBASSY ISSUED 200 C-1 "TRANSIT" VISAS TO RECIPIENTS OF GERMAN EMIGRANT VISAS IN 1977 WHO HAD APPLIED FOR PASSPORTS FOR THE U.S.

3. THERE ARE FOUR WAYS A ROMANIAN CAN ENTER UNITED STATES. (NOTE: WE ARE EXCLUDING QUESTIONS OF DUAL NATIONALS AND ILLEGAL ENTRY SUCH AS WADING THE RIO GRANDE):
A. BY RECEIVING IMMIGRANT VISA (IV) ISSUED BY AMEMBASSY BUCHAREST CONSULAR SECTION (OR ANY OTHER POST). PRACTICALLY ALL SUCH VISAS ARE ISSUED ON BASIS OF APPROVED PREFERENCE PETITIONS FILED BY RELATIVES IN U.S. RATHER THAN ON THE BASIS OF THIRD, SIXTH PREFERENCE, OR LABOR CERTIFICATIONS.
B. THE THIRD COUNTRY PROCESSING (TCP) PROGRAM CONDUCTED IN COOPERATION WITH INS ROME FOR ROMANIANS WITH RELATIVES IN U.S. WHO ARE UNABLE TO PTITION VIA IV ROUTE. THIS EMBASSY ASSISTS IN PROCESSING THESE CASES, SEEKS RELIEF FROM IN-ELIGIBILITIES FOR THOSE WHO SEEM TO QUALIFY FOR IT, AND PROVIDES SUCCESSFUL APPLICANTS WITH DOCUMENTATION TO EXIT COUNTRY AND TRAVEL TO ROME FOR PROCESS-
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ING UNDER SECTION 203 (A) 7 OF THE ACT.
C. BY APPEARING AT AN OVERSEAS INS OFFICE AND APPLYING FOR REFUGEE STATUS. IN PRACTICE, THIS MEANS INS VIENNA AND A STAY IN AN AUSTRIAN REFUGEE CAMP. PERSON USUALLY HAS DEPARTED ROMANIA LEGALLY WITH ONE KIND OR ANOTHER OF VALID ROMANIAN PASSPORT; IN SOME OF THESE CASES WHERE EXIT VISA WAS FOR U.S., WE HAVE PROVIDED DOCUMENT (THE SO-CALLED "VIENNA LETTER") WHICH HAS NO LEGAL STANDING NOR COMMITS U.S. TO ANY ACTION BUT HAS BEEN ACCEPTED BY GOR AND HAS FACILITATED PERSON'S DEPARTURE FROM ROMANIA AS A CERTIFICATE IN LIEU OF A U.S. VISA. ALTERNATIVELY, PERSON MAY HAVE DEPARTED ROMANIA ILLEGALLY BY JUMPING A BORDER (HARDER TO DO SUCCESSFULLY IN RECENT YEARS), IN WHICH CASE PERSON WOULD HAVE NO ROMANIAN OR U.S. DOCUMENTATION OF ANY KIND UPON ARRIVAL AT INS OFFICE.
D. BY ENTERING U.S. ON VALID NON-IMMIGRANT VISA (NIV) AND THEN REQUESTING CHANGE OF STATUS/POLITICAL ASYLUM.

4. U.S. POLICY, IMPLICIT OR EXPLICIT, HAS BEEN TO ASSIST ROMANIANS SEEKING TO EMIGRATE TO U.S. TO MAXIMUM POSSIBLE LYTENT. ADDITIONALLY, CSCE PROCESS, MFN AND JACKSON/VANIK AMENDMENT, NEW U.S. ADMINISTRATION'S STATEMENTS ON HUMAN

RIGHTS, AND COVERAGE OF EMIGRATION QUESTION IN WESTERN MEDIA SUCH AS RADIO FREE EUROPE (RFE) HAS RAISED EXPECTATIONS OF MANY ROMANIANS AND STIMULATED MORE PERSONS TO TRY TO EMIGRATE. YET, LETTER AND SPIRIT OF INA IS RESTRICTIVE AND PROCEDURES AND CUMBERSOME. RESULT IS THAT WE CANNOT LEGALLY ISSUE IV'S TO MANY ROMANIANS WHO HAVE OBTAINED PASSPORTS AND SEEK TO EMIGRATE TO U.S., IN ATTEMPT TO BE HELPFUL AND HUMANITARIAN, WE COLLECTIVELY HAVE DEvised JERRY-BUILT, AD-HOC SOLUTIONS DESCRIBED IN PARA 3B AND C.

CURRENT SITUATION

5. GOR IS KEENLY AWARE OF CONTRADICTION BETWEEN U.S. PRO-CONFIDENTIAL

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NOUNCEMENTS URGING LIBERAL EMIGRATION AND ACTUAL RESTRICTIVENESS OF U.S. LAW, AND IS SEEKING TO EXPLOIT THIS SITUATION TO SHOW U.S. "HYPOCRISY" AND FOR OTHER POLITICAL PURPOSES. INTIMATELY FAMILIAR WITH INTRICACIES OF U.S. IMMIGRATION LAW AND PRACTICES, GOR IS INCREASINGLY ISSUING PASSPORTS TO PERSONS NOT QUALIFIED TO APPLY OR INELIGIBLE TO BE ISSUED IV'S THROUGH LACK OF FIRST-DEGREE RELATIVES IN THE U.S.

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INFO OCT-01 ISO-00 VO-05 CA-01 HA-05 INSE-00 CIAE-00
DODE-00 PM-05 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 USIA-06 BIB-01 /071 W
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FM AMEMBASSY BUCHAREST
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INFO AMEMBASSY ROME
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 2 OF 2 BUCHAREST 0417

OR INSURMOUNTABLE INELIGIBILITIES UNDER INA. GOR THEN

STRONGLY CHIDES US FOR NOT ISSUING VISAS TO SUCH PERSONS WHILE AT SAME TIME ENJOYING SPECTACLE OF U.S. OFFICIALS SCRAMBLING FRENETICALLY TO FIND SOME ALTERNATIVE SOLUTION FOR THEM. UNTIL RECENTLY THE ONLY SOLUTION FOR CASES IN WHICH APPLICANTS WERE INELIGIBLE THROUGH LACK OF RELATIVES, OR THOSE WHOSE EXIT VISAS WERE TOO NEAR EXPIRATION TO SEEK RELIEF FROM INELIGIBILITIES OR FOR THOSE WHO HAD BEEN DENIED RELIEF BUT HAD TAKEN PASSPORTS AND CUT THEIR TIES IN ROMANIA, WAS TO SEND THEM TO VIENNA WITH A "VIENNA LETTER". RESULT TODAY IS THAT FOR EVERY ROMANIAN ISSUED AN IV HERE, AT LEAST ONE OTHER IS PROCESSED THROUGH ROME OR VIENNA. AND THIS LATTER COMPONENT HAS GROWN WHILE GOR IS DRAGGING ITS FEET ON TRULY QUALIFIED CASES AS CONTAINED IN OUR REPRESENTATION LISTS. CONSEQUENTLY, WHILE ABSOLUTE NUMBERS OF ROMANIANS REACHING U.S. IS RISING, DISTRIBUTION OF CASES AMONG THE VARIOUS WAYS OF ARRIVING IS CHANGING DRAMATICALLY.

6. GOR POSITION HAS ALWAYS BEEN THAT ROMANIAN CITIZENS AUTHORIZED TO EMIGRATE SHOULD BE ABLE TO PROCEED DIRECTLY FROM ROMANIA TO THE RECEIVING COUNTRY. GOR HAS RELUCTANTLY ACQUIESCED IN TCP PROGRAM, PERHAPS BECAUSE ROMANIANS ARE CONFIDENTIAL

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NOT HOUSED IN "REFUGEE CAMPS" IN ROME AND BECAUSE THERE IS SOME ELEMENT OF FAMILY REUNIFICATION, ALBEIT NOT NECESSARILY THE NUCLEAR FAMILY AS GOR WOULD PREFER. NEVERTHELESS, GOR TOLERANCE OF TCP IS FRAGILE AND COULD BREAK AT ANY TIME.

7. IN LAST WEEK, HOWEVER, GOR SEEMS TO HAVE CUT OFF OR TO HAVE SHARPLY REDUCED THE "VIENNA OPTION". WE HAVE BEEN INFORMED BY A NUMBER OF ROMANIANS (WITH MORE COMING IN DAILY), SOME OF WHOM CARRIED OUR "VIENNA LETTER", THAT GOR WILL NO LONGER ACQUIESCE IN DEPARTURE OF ROMANIANS FOR STAY IN REFUGEE CAMP THERE AND EVENTUAL INS PROCESSING IN VIENNA. RATIONALE AS STATED BY DIRECTOR OF GOR PASSPORT OFFICE POPESCU TO EMBOFFS JANUARY 16 IS THAT GOR HAS RECEIVED COMPLAINTS FROM ROMANIANS IN REFUGEE CAMP OUTSIDE VIENNA ALLEGING INTOLERABLE AND INHUMAN CONDITIONS COUPLED WITH LONG WAITS AND AN UNCERTAIN FUTURE. WHILE WE DOUBT POPESCU IS BEING TOTALLY CANDID WITH US, POINT IS THAT GOR ACTION HAS STRANDED A NUMBER OF PERSONS IN ROMANIA WHOSE SITUATION IS UNFAVORABLE AND HAS CLOSED AT LEAST TEMPORARILY POSSIBILITY FOR OTHERS TO USE VIENNA AS GATEWAY TO U.S. MOREOVER, IT APPEARS FROM CURRENT EXPERIENCE THAT GOR IS CONTINUING TO ISSUE PASSPORTS TO ROMANIANS UNQUALIFIED FOR IV'S OR TCP PROCESSING, AND THAT APPLICANTS' INABILITY TO OBTAIN DOCUMENTATION FOR ENTRY INTO THE U.S. WILL BE BLAMED ON US.

POLICY OPTIONS

8. CONSEQUENTLY, WE ARE FACED WITH BOTH AN IMMEDIATE PROBLEM OF WHAT TO DO WITH AND TO TELL THOSE ROMANIANS SEEKING TO EMIGRATE TO U.S. WHO CAN NO LONGER TRAVEL TO VIENNA, AND AN URGENT NEED TO RESOLVE BASIC POLICY QUESTIONS CONCERNING TRUE U.S. INTERESTS AND THEIR RELATIONSHIP TO OUR PRESENT CONSULAR OPERATIONS IN ROMANIA. WE SEE
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SEVERAL OPTIONS;

- A. REMOVE THROUGH LEGISLATION PRESENT RESTRICTIONS ON ISSUANCE OF IV'S TO ROMANIANS SO THAT THEY CAN TRAVEL DIRECTLY FROM ROMANIA TO U.S. VARIOUS POSSIBILITIES IN THIS AREA WERE DISCUSSED WITH CONGRESSMAN EILBERG LAST SUMMER, BUT WE HAVE HEARD NOTHING RECENTLY.
 - B. REMOVE PRESENT RESTRICTIONS ON ELIGIBILITY FOR TCP PROGRAM SO THAT ESSENTIALLY ANY ROMANIAN WHO CAN GET A PASSPORT AND WHO WANTS TO GO TO U.S. BUT IS NOT ELIGIBLE FOR AN IV CAN BE PROCESSED THROUGH ROME. ON BOTH THIS OPTION AND PROCEEDING ONE, WE RECOGNIZE THAT SUCH ACTIONS WOULD INCREASE THE ALREADY FAVORED TREATMENT WHICH U.S.G. ACCORDS TO ROMANIANS; THERE ARE, FOR EXAMPLE, NO SPECIAL PROGRAMS OF WHICH WE ARE AWARE TO ASSIST CITIZENS OF BANGLADESH, UGANDA, CENTRAL AFRICAN EMPIRE OR NICARAGUA ALTHOUGH THEY MAY BE IN CONSIDERABLY MORE DIFFICULT CIRCUMSTANCES THAN MANY ROMANIANS.
 - C. STATION AN INS OFFICER EMPOWERED TO DETERMINE ELIGIBILITY AND PRE-PROCESS "TCP" CASES IN BUCHAREST, WITH THE APPLICANT STOPPING IN ROME OR VIENNA ONLY TO PICK UP "CONDITIONAL ENTRY" DOCUMENTATION. THIS OPTION WOULD MEET THE REQUIREMENTS OF SECTION 203(A) 7 OF THE ACT AND ALSO REDUCE GOR CRITICISM OF LENGTHY STAY IN REFUGEE CAMPS OR OTHER FACILITIES IN THIRD COUNTRIES PRIOR TO ENTRY INTO THE U.S.
 - D. REDEFINE AND RESTRICT TCP QUALIFYING CONCEPT OF "FIRESIDE RELATIVE" TO INCLUDE ONLY NUCLEAR FAMILY RATHER THAN THE PRESENT EXTENDED FAMILY. AS DEPARTMENT AWARE, "FIRESIDE RELATIVE" EXTENDS CURRENTLY AS FAR AS COUSIN, NEPHEW, ETC. WITH NO ATTEMPT MADE TO VERIFY RELATIONSHIP.
 - E. ABOLISH THE TCP PROGRAM AND CEASE ASSISTING ROMANIAN TRAVEL TO VIENNA, LIMITING OUR EMIGRATION ACTIVITIES, AS SPECIFIED BY U.S. LAW, EXCLUSIVELY TO ISSUANCE OF IVS TO QUALIFIED APPLICANTS. THIS OPTION IMPLIES EVEN STRONGER U.S. EFFORTS TO BEHALF OF QUALIFIED APPLICANTS (THE REPRESENTATION LIST), A WILLINGNESS TO TOLERATE UNHAPPY U.S.
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CONGRESSMEN AND SENATORS WHO ARE PUSHING UNQUALIFIED CASES,
AND INCREASED GOR PROPAGANDA EXPLOITATION OF ALLEGED
GAP BETWEEN U.S. WORDS AND DEEDS.

9. ACTION REQUESTED: WHILE WE SEE SERIOUS DRAWBACKS TO
ALL OF ABOVE OPTIONS, WE NEVETHELESS BELIEVE SITUATION
HAS NOW REACHED POINT WHERE WE MUST TAKE HARD DECISIONS.
REQUEST INSTRUCTIONS.
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Message Attributes

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Capture Date: 01 jan 1994
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Concepts: POLICIES, EMIGRANTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Event:
Disposition History: n/a
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Drafter: n/a
Enclosure: n/a
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Errors: N/A
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Secure: OPEN
Status: NATIVE
Subject: U.S. EMIGRATION POLICY IN ROMANIA
TAGS: CGEN, CVIS, SHUM, US, RO
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